

### REMARKS

Applicant has carefully reviewed the Official Action dated December 19, 2005 for the above identified patent application.

At page 1, first and second paragraphs of the Official Action, Claim 1 has been objected to as lacking proper antecedent basis for the term "engagement element", and Claims 1 - 20 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite.

In response to these objections and formal grounds of rejection, Applicant has amended the form of independent Claim 1. Claim 1, as amended herein, now provides proper antecedent basis for the recitation of "engagement elements". Additionally, Applicant respectfully submits that the form of Claim 1, as revised herein, fully complies with 35 U.S.C. Section 112, second paragraph, in all respects. Applicant notes that although some of the recitations in Claim 1 are recited in the alternative, this does not render the claim indefinite, since the alternative elements are considered to be equivalents for the purpose of the invention. (See, Manual of Patent Examining Procedure, 8th Edition, August 2001, Rev. 4, October, 2005, Section 2173.05(h)).

Applicant gratefully acknowledges the Examiner's indication, at page 4 of the Official Action, that Claims 4, 13, 16 and 19 are directed to allowable subject matter. Claim 4 has been

rewritten in independent form to include the features of independent Claim 1, as revised herein to overcome the formal grounds of rejection, thereby placing Claim 4 in proper form for allowance. Allowable dependent Claims 13, 16, and 19, each of which depend directly from parent independent Claim 4, are also in proper form for allowance.

In the Official Action, independent Claim 1 has been rejected under 35 U.S.C. Section 102(b) as being anticipated by the Maldonado patent (U.S. Patent No. 4,554,676). For the reasons discussed herein, Claim 1, as amended herein, is neither taught or suggested by the suggestion of the disclosure of the Maldonado patent.

Claim 1 has now been amended to specifically recite that in the at least three different positions between the plate holding element and the engagement elements of the claim arrangement, the sensor plate is not movable relative to the engagement elements. Therefore, in the dental arrangement as now defined by independent Claim 1, the sensor plate is not movable relative to the engagement elements which retain the sensor plate in position, and the orientation of the sensor plate relative to a dental patient's mouth is adjusted by varying the position between the plate holding element and the different engagement elements.

Contrary to the dental arrangement disclosed by Applicant and claimed in independent Claim 1, the Maldonado patent teaches a device in which the position of the film holder 20 is slideably adjustable relative to film holding means 16. The film holder 20 has a resilient flap 48 which maintains the film in a position that can be varied, at least sideways. The film holder 20 has four indentations, designated by A, B, C, and D, while the film holding means 16 includes a projection designated by P. In this manner, the position of the film holder 20 is adjustable relative to the film holding means 16 by moving the film holder 20 relative to the film holding means 16 for engagement of the projection P with the different indentations A, B, C, and D. Thus, the orientation of the film relative to the dental patient's mouth is adjustable by moving the film relative to the film holding means.

Contrary to the device disclosed by Maldonado in the dental arrangement now defined by Applicant's independent Claim 1, the sensor plate (the film) is not movable relative to the engagement elements (the film holding means), and adjustment of the sensor plate relative to a dental patient's mouth is made by adjusting the position of the plate holding element (40) relative to the engagement elements. The sensor plate is not movable relative to the engagement elements.

In the Maldonado patent, the film holder 20 is movable only in a longitudinal direction relative to the biteplate 14. On the

contrary, in the dental arrangement disclosed and claimed by Applicant, the engagement elements 21, 22, 23,24 permit movement of the biteplate 45 relative to the sensor plate 10 in many different directions and along different relative planes.

Applicant respectfully submits that both the structure and functional relationship of the structure of the dental arrangement defined by independent Claim 1, as amended herein, is not taught or suggested by the disclosure of the Maldonado patent. As a result of the structure and structural arrangement defined by Applicant's independent Claim 1, the orientation of the sensor plate relative to the mouth of a dental patient is advantageously adjusted without direct movement of the sensor plate relative to the engagement elements.

It is well established that a rejection of a claim as being anticipated by the prior art requires the Patent & Trademark Office to establish a strict identity of invention between each rejected claim and a single prior art reference. Stated in other words, a rejection of a claim as being anticipated by the prior art is improper unless a single prior art reference discloses all features of the rejected claim, as arranged in the rejected claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

In the instant case, there is clearly no strict identity of invention between independent Claim 1, as revised herein, and the

disclosure of the Maldonado patent. Moreover, as a result of the distinct differences in structure, structural arrangement, and functional advantages of the devices disclosed and defined by Applicant's independent Claim 1, and the disclosure of the Maldonado patent, there is clearly no suggestion in the prior art itself to modify Maldonado in any manner rendering the dental arrangement of Applicant's independent Claim 1 obvious.

Applicant respectfully submits that independent Claim 1 is allowable over the prior art of record in this patent application. Dependent Claims 2 - 3, 5 - 12, 14 - 15, 17 - 18 and 20, each of which depend directly or indirectly from independent Claim 1, are allowable at least for the same reasons as parent independent Claim 1. As discussed above, Claims 4, 13, 16, and 19, each of which was indicated as being directed to allowable subject matter, are now in proper form for allowance.

Applicant respectfully submits that all pending claims are in condition for allowance, and favorable action is respectfully requested.

Enclosed is a petition for a three month extension of time for responding to the outstanding Official Action, together with the fee for the requested extension of time at the small entity rate. Applicant has previously qualified to pay fees in connection with this patent application as a small entity.

No additional fee for the added independent claim is enclosed since the cost of this added independent claim is covered by the original filing fee paid for this patent application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark P. Stone', with a stylized flourish at the end.

Mark P. Stone  
Reg. No. 27,954  
Attorney for Applicant  
25 Third Street, 4th Floor  
Stamford, CT 06905  
(203) 329-3355